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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,817	08/05/2004	Yi-Shou Hsu	REAP0059USA	4816
27765 7590 01/10/2008 NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER VUONG, QUOCHIE B	
			ART UNIT	PAPER NUMBER
			2618	
			NOTIFICATION DATE	DELIVERY MODE
			01/10/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/710,817	Applicant(s) HSU, YI-SHOU	
	Examiner Quochien B. Vuong	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's response filed on 10/17/2007. Claims 1-20 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonard (US 3,806,819).

Regarding claim 13, Leonard discloses a method for selecting a channel from a plurality of channels in a wireless network system, the channels comprising at least one in-use channel and at least one idle channel (column 1, lines 30-34), the method comprising: determining a reference value for each idle channel according to a distribution of the at least one in-use channel among the channels (column 1, lines 35-55, the reference value is quality of the idle channel including the interference or jamming due to cross-talk from the in-use channel); and selecting a channel from the at least one idle channel according to the reference value for each idle channel (column 1, line 35 – column 2, line 47).

As to claim 14, Leonard discloses wherein detecting the status of each channel for identifying the in-use channel and the idle channel (column 1, lines 30-34).

As to claim 15, Leonard discloses wherein the reference value is determined by utilizing mathematical reference value calculation (column 1, line 35 – column 2, line 47).

As to claim 16, Leonard discloses wherein the reference value is determined by a weighted accumulation based on the interval between the idle channel corresponding to the reference value and the at least one in-use channel (column 1, line 35 – column 2, line 47).

As to claim 17, Leonard discloses wherein in the reference value determining step, the farther one of the at least one in-use channel to the reference value is, the idle channel corresponding to less is accumulated to the reference value (column 1, line 35 – column 2, line 47).

As to claim 18, Leonard discloses wherein in the selecting step, the idle channel corresponding to a reference value with the least weighted accumulation is selected (column 1, line 35 – column 2, line 47).

As to claim 19, Leonard discloses wherein in the reference value determining step, the farther one of the at least one in-use channel to the idle channel corresponding to the reference value is, the more is accumulated to the reference value (column 1, line 35 – column 2, line 47).

As to claim 20, Leonard discloses wherein in the selecting step, the idle channel corresponding to a reference value with the most weighted accumulation is selected (column 1, line 35 – column 2, line 47).

Allowable Subject Matter

3. Claims 1-12 are allowed over the cited prior art.

Regarding claims 1-12, the cited prior art fail to disclose the claimed invention with the reasons set forth in the Applicant's remarks filed 10/17/2007, pages 6-8.

Response to Arguments

4. Applicant's arguments, see Applicant's remarks, filed 10/17/2007, with respect to claims 1-12 have been fully considered and are persuasive. The previous rejection of claims 1-12 has been withdrawn.

5. Applicant's arguments filed 10/17/2007 which respect to claims 13-20 have been fully considered but they are not persuasive.

Regarding claim 13, applicant argues that Leonard fails to disclose "a reference value of each channel is detected according to the distribution of the at least one in-use channel". The examiner, however, does not agree with the Applicant. Applicant's attention is directed to Leonard (column 1, line 35-55) which clearly disclose a reference value (channel quality of the idle channel including the interference or jamming due to cross-talk from the in-use channel) is determined and selection of channel is based on the reference value of each channel.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



QUOCHIE B. VUONG
PRIMARY EXAMINER

Quochien B. Vuong
Jan. 03, 2008.